

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part XXIII. Certified Solid Waste Operators**

**Chapter 1. General**

**§101. Authority**

A. The Louisiana Solid Waste Operator ~~and~~ Certification and Training Program Act, R.S. 37:3151, et seq., creates the Board of Certification and Training for Solid Waste Disposal System Operators and authorizes the board to adopt rules of procedure and establish fees for the ~~training and~~ certification of solid waste operators.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

**§105. Objectives**

- A. The objectives of these ~~rules~~regulations are as follows:
1. to establish a certification program for operators of Type II, II-A, and III solid waste processing and disposal facilities which accommodate residential and commercial solid waste;
  2. to develop ~~policies~~procedures related to certification, recertification, and training of ~~candidates~~applicants to meet appropriate certification requirements;
  - ~~3. to establish standards and requirements for continuing training;~~
  - ~~4. to establish criteria certifying operators for minimum;~~
  - ~~5. to establish procedures for recertification;~~
  - ~~6. to establish procedures for revocation, modification, or suspension of an operator's certification;~~
  - ~~7. to establish procedures to immediately suspend an operator's certification if such action is deemed necessary to protect the public health and environment;~~
  84. to establish appropriate fees for examination, ~~training~~, certification, and recertification to be paid by the applicant; and
  95. to encourage the certification of all Louisiana Department of Environmental Quality employees involved in the inspection and permitting of solid waste processing and disposal facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of

Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### §107. Definitions

A. As used in these rules, the following words shall have the meanings ascribed to them in this Section unless the context clearly indicates otherwise:

~~*Classify*—repealed. the process and act of the board that designates a specific type of solid waste processing and disposal facility which is required to employ certified operators.~~

*Commercial Solid Waste*—all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial solid wastes.

*Conditional Certification*—allows an operator to operate only the facility at which he is employed at the time of certification for a period not to exceed six months.

~~*Continuing Training*—repealed. the process whereby a certified operator obtains required formal training in the area of solid waste management. Continuing training is distinct from training specifically designed to prepare operators for initial certification. Continuing training is deemed necessary to maintain a satisfactory level of operator proficiency in light of changing technologies and regulations. This continuing training would generally not be provided by the board, since it is available from other sources such as solid waste management organizations and educational institutions.~~

*Department*—the Department of Environmental Quality, as created by R.S. 30:2001 et seq.

\* \* \*

*Regular Certification*—allows an operator to operate any facility of the type for which the certificate is issued. Regular certificates are issued for a four-year period.

\* \* \*

*Solid Waste Management Facility (SWMF)*—any facility classified under the solid waste management system including, but not limited to, nonhazardous solid waste sanitary landfills, ~~open dumps~~, landfarming operations, incinerators, and transfer stations, non-industrial surface impoundments, construction and demolition debris facilities, and composting, refuse-derived, and separation facilities.

\* \* \*

*Training*—the process whereby an operator obtains required formal instruction in the area of solid waste management.

\* \* \*

*Type II-A Facility*—a facility used for processing residential, infectious, or commercial solid waste (e.g., a transfer station, incinerator waste-handling facility, refuse-derived fuel facility, shredder, baler, autoclave, or compactor).

*Type III Facility*—a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes (a separation facility). Residential, commercial, or industrial solid waste must not be disposed of in a Type III facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§109. Filing of Documents**

A. Any notice, petition, document, or other correspondence, ~~which~~that is required to be filed with the board shall be addressed and mailed or delivered to: the Board of Certification and Training for Solid Waste Disposal System Operators at the Department of Environmental Quality, Office of Environmental Services.

~~Board of Certification and Training  
P.O. Box 82178  
Baton Rouge, Louisiana 70884-2178~~

B. The following requirements and rules shall apply to all documents and papers filed ~~in the offices of~~ with the board or during a hearing or meeting:.

1. The date on which the papers are actually received by the ~~office~~ board or at the hearing shall be deemed to be the date of filing.

2.-3. ...

4. All information regarding an applicant's qualifications shall be provided at least ~~45~~ 30 days prior to the date on which the applicant wishes to be tested. This information is to be provided on a ~~department~~ board-prescribed application form. The form may be obtained from the Office of Environmental Services, Permits Division, or from the internet at [www.deq.state.la.us/misc/topics.stm](http://www.deq.state.la.us/misc/topics.stm), department's website. listed alphabetically under the letter "S."

5. Unless otherwise specifically provided by these rules, an original and ~~4~~ 12 copies of all documents directed to the board shall be filed.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§113. Mandatory Provisions**

A. Any SWMF that requires a permit, as determined by the department, shall be categorized in accordance with LAC 33:VII.507.

B. The certificates of all of a SWMF's certified operators shall be prominently displayed at the facility.

C. Certified operators are required at all Type II, II-A, and III SWMFs requiring a permit from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154, 3155, and 3156.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:\*\*.

### **Chapter 3. Board of Certification and Training for Solid Waste Disposal System Operators**

#### **§307. Hearings and Meetings**

A. ~~The board shall meet within 14 days after the conclusion of each testing of certification candidates to conduct its business. Additionally, t~~The board shall meet as often as necessary to conduct its business. ~~Special meetings or public hearings may be called at any time by the chairman.~~

B-D.1.b. ...

2. Record. ~~a.~~ All such public hearings and meetings shall be recorded verbatim. All written statements, charts, tabulations, and similar data offered at the hearing shall, subject to exclusion because of redundancy or immateriality, be admitted by the presiding officer. ~~The tape recording together with a~~All evidence or materials admitted by the presiding officer at the hearing shall constitute the hearing record. If a presiding officer conducts the hearing on behalf of the board, he shall prepare a report of the proceedings for the board.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3152 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

#### **§309. Board Records: Custodian**

A. The secretary of the Department of Environmental Quality, shall serve as the official custodian of all records of the board. All records of ~~the board~~ meeting notices, agendas, and other documents relating to the board shall be maintained in a central location within the Solid Waste Division~~Office of Environmental Services, Permits Division, Registrations and Certifications Section~~. All such records shall be available for public inspection in accordance with the provisions of appropriate ~~S~~tate or ~~F~~federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **Chapter 5. Prohibitions**

**§501. Operation of Facilities by Certified Personnel**

A. ~~On or after four years following the date on which a facility is classified by the board, n~~No individual, municipality, parish, public or private corporation, partnership, firm, agency of the state, or the United States government, ~~and~~or any agent or subdivision thereof, or any other juridical person shall operate a classified solid waste facility unless such facility is operated by individuals who have been certified in accordance with these rules for the operation of the particular facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

**§507. Incompetence**

A. No person shall continue to operate a facility under a certification issued under these rules/regulations if such person ~~has become incompetent or is~~ unable to perform his duties in a proper manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:\*\*.

**§511. Display of Certificate**

Repealed.

A. ~~No person shall operate a facility unless the certificates of all the facility's certified operators are prominently displayed at the facility.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:\*\*.

**Chapter 7. Classification of Facilities**

Repealed.

**§701. Information Used to Classify Facilities**

Repealed.

~~A.—— It is the responsibility of the board to classify solid waste processing and disposal facilities according to the methodologies employed, types of wastes handled, and any other parameters which, in the opinion of the board, are needed to determine the certification and training requirements of the operators. Operators' certification and training is not required for operators of facilities which have not been classified. The board may receive the information necessary to make these determinations from any source. Copies of this information shall be maintained on file, and made available to the public and individual operators on request.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:\*\*.

### **§703. General Classifications**

#### Repealed.

~~A.—— The general classification of facilities shall be as follows:~~

- ~~1.—— Class A facilities (Type II facilities)
  - ~~a.—— Class A.1XLandfills~~
  - ~~b.—— Class A.2XSurface impoundments~~
  - ~~c.—— Class A.3XLandfills~~~~
- ~~2.—— Class B facilities (Type II-A facilities)
  - ~~a.—— Class B.1XIncinerator waste handling facility~~
  - ~~b.—— Class B.2XRefuse-derived fuel facility~~
  - ~~c.—— Class B.3XTransfer station~~~~
- ~~3.—— Class C facilities (Type III facilities)
  - ~~a.—— Class C.1XConstruction-demolition or wood waste facility~~
  - ~~b.—— Class C.2XComposting facility~~
  - ~~c.—— Class C.3XSeparation facility~~~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:\*\*.

### **§705. Further Classification**

#### Repealed.

~~A.—— These general classifications may be further identified in terms of quantities of wastes handled, number of employees, types of wastes handled, and/or other factors which would indicate the potential for adverse impact associated with the~~

~~particular operation. Further classification pursuant to this Section shall be accomplished pursuant to the rulemaking procedures in R.S. 49:950 et seq.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:\*\*.

#### **§707. Board's Discretion to Classify**

Repealed.

~~A. From time to time the board may classify other types of solid waste management facilities and also may further redefine the classification within general types of facilities.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:\*\*.

### **Chapter 9. Operator Certification**

#### **§901. Certificate**

A. The board shall certify persons as to their qualifications established by testing, training, education, and experience to operate a classified solid waste processing or disposal facility. A certificate, suitable for framing, shall be provided to each successful ~~candidate~~ applicant by the board. This certificate shall clearly show the name of the operator, type of certification, any limitations imposed, the expiration date, and any other data deemed appropriate by the board. Louisiana Department of Environmental Quality employees involved in the inspection or permitting of a classified solid waste processing or disposal facility may be certified provided they ~~pass the written examination~~ meet the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154 and R.S. 37:3156.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

**§903. Mandatory Certification**Repealed.~~A. Certified operators are required at all classified facilities.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:\*\*.

**§905. Regular Certification Validity**Repealed.~~A. Regular certificates shall be valid for four years from the date of issuance.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:\*\*.

**§907. Types of Certification**

A.-A.1. ...

2. the level of ~~competency~~ complexity of SWMF operation required.B. ~~In addition,~~ the certification shall be either regular or conditional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:\*\*.

**§909. Facility Designation**

A. Each operator certification will be valid for the management of one type of facility ~~as classified by the board.~~ The classifications and sub-classifications of facilities ~~will~~shall be specified as follows:

1. ~~Class A facilities~~ (Type II facilities):
  - a. ~~Class A.1—L~~landfills;
  - b. ~~Class A.2—S~~surface impoundments; and
  - c. ~~Class A.3—L~~landfarms;
2. ~~Class B facilities~~ (Type II-A facilities):
  - a. ~~Class B.1—I~~ncinerator waste-handling ~~facilityies~~;
  - b. ~~Class B.2—R~~efuse-derived fuel ~~facilityies~~; and
  - c. ~~Class B.3—T~~ransfer stations;



3. ~~Class C facilities~~ (Type III facilities):  
 a. ~~Class C.1—Construction/demolition debris~~ or woodwaste facilities;

b. ~~Class C.2—Composting facilities; and~~

c. ~~Class C.3—Separation facilities.~~

B. These ~~rules~~ regulations may be amended by the board to classify include other types of solid waste systems as they become subject to regulation-regulated and permitted by the department. ~~These will be given discrete designations. These classifications may provide for limited classifications as in the case of a sanitary landfill receiving a single industrial waste.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3159.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§911. Facility Types**

A. Facilities are required, at a minimum, to have certified operators according to the following schedule.

1. ~~Class A.1 Landfills~~

a. Each facility providing solid waste processing or disposal for a particular parish or region shall have a HLevel "A" operator in responsible charge of the overall solid waste processing or disposal facility.

b. Each facility shall have either a HLevel "A" or HLevel "B" operator who is present at the facility and in direct charge of the day-to-day operation of the facility during hours of operation.

c. Each facility shall have at least one HLevel "C" operator for each 10 operational people during hours of operation. (Operational personnel does not include personnel solely conducting clerical duties.)

2. ~~Class A.2 Surface Impoundments.~~——a. Each surface impoundment shall have a HLevel "A" operator in responsible charge of the solid waste processing or disposal facility.

3. ~~Class A.3, Class B, and Class C Facilities~~ Landfills, Incinerator Waste-Handling Facilities, Refuse-Derived Fuel Facilities, Transfer Stations, Construction/Demolition Debris or Woodwaste Facilities, Composting Facilities, and Separation Facilities

a. Each facility providing solid waste processing or disposal for a particular parish or region shall have a HLevel "A" operator in responsible charge of the overall solid waste processing or disposal facility.

b. Each facility shall have either a HLevel "A" or HLevel "B" operator who is present at the facility and in direct charge of the day-to-day operation of the facility during hours of operation.

~~B. The department may determine additional numbers and levels of operators required at a particular facility, as specified in the permit, on a case by case basis.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§912. Issuance of Certificates to Operators**

A. Certificates issued to operators on or after December 20, 2004, ~~the date of these revised regulations~~ will correspond to the classes and levels facility designations and levels of operator certification as defined in LAC 46:XXIII.909 and 913. ~~All certificates which have been issued prior to these revised regulations may remain in effect until otherwise determined by the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§913. Levels of Operator Competency Certification**

A. Each certification shall specify the level of competency complexity of SWMF operation for which the certificate is issued. Levels of operator certification are hereby established as "A," "B," and "C." Level "A" represents the most comprehensive level of competency complexity; Level "B" is an intermediate level of competency complexity; and Level "C" represents the ~~most limited~~ least comprehensive level of competency complexity. ~~Classifications are hereby established as "A", "B", and "C".~~ Additional classifications levels may be added by amendment to these rules regulations.

B. A Level "A" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform all of the duties necessary for the proper operation of ~~the an~~ entire solid waste management facility and shall encompass both procedural and operational aspects of a processing or disposal facility (all technical, regulatory, administrative, and management duties necessary for the proper operation of the solid waste processing or disposal facility), according to the type of facility for which the applicant seeks certification.

C. A Level "B" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform the duties necessary for the proper operation of ~~the a~~ solid waste management facility as determined by assigned duties and customary practice, and operational knowledge needed to operate ~~the a~~ processing or disposal facility (i.e., equipment selection, maintenance, waste handling procedures, safety procedures, personnel hiring and training, reports, and special and

hazardous waste identification), according to the type of facility for which the applicant seeks certification.

D. A Level "C" certificate shall encompass the operational knowledge needed to operate a portion of the waste handling aspects of ~~the~~ a processing or disposal facility (i.e., unloading and spotting; maintaining smallest practical working face; layering, compacting, covering, cleaning, and maintaining equipment; equipment operation; and special or hazardous waste identification-), according to the type of facility for which the applicant seeks certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154 and R.S. 37:3159.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§915. Qualification Requirements**

~~A. An applicant for regular certification must possess the qualifications for each level of operator as set forth below.~~

A——1. A Level "A" operator shall have the following qualifications for regular certification.:

1——a. The operator must possess a high school diploma or equivalency certificate. An operator qualifying as a present practitioner under LAC 46:XXIII.921 may meet this requirement by passing the operator examination required by LAC 46:XXIII.919.

2——b. Experience Requirements: The operator must have:  
a——i. have a minimum of three years of appropriate and responsible experience as described in LAC 46:XXIII.913.B in the field of solid waste management; or

ii. have a minimum of one year of appropriate and responsible experience as described in LAC 46:XXIII.913.B in the field of solid waste management and have a minimum of three years experience as a supervisor in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to insure proper operation of a solid waste processing or disposal facility; or

b——iii. have a minimum of one two years of appropriate and responsible experience as described in LAC 46:XXIII.913.B in the field of solid waste management and have either an engineering degree or a degree from an accredited college or university in a four-year program related to soils management and equipment operation and maintenance; or

c——iv. have a minimum of one year of appropriate and responsible experience as described in LAC 46:XXIII.913.B in the field of solid waste management and having held a certificate a minimum of two years of certification as a Level "B" operator for a minimum of one year.

3——e. The operator must be of good character.

B—2. A Level "B" operator shall have the following qualifications for regular certification:

- 1—a. ~~e~~Experience Requirements: The operator must have:
  - a—i. have a minimum of two years of ~~appropriate and responsible~~ experience as described in LAC 46:XXIII.913.C in the field of solid waste management; or
  - b—ii. have a minimum of one year of ~~appropriate and responsible~~ experience as described in LAC 46:XXIII.913.C in the field of solid waste management and have a minimum of two years of experience as a supervisor in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to ensure proper operation of a solid waste processing or disposal facility; or
  - c—iii. have a minimum of one year of ~~appropriate and responsible~~ experience as described in LAC 46:XXIII.913.C in the field of solid waste management and have either an engineering degree or a degree from an accredited college or university in a four year program related to soils management and equipment operation and maintenance; or
  - d—iv. have a minimum of one year of ~~appropriate and responsible~~ experience as described in LAC 46:XXIII.913.C in the field of solid waste management and having held a certificate a minimum of two years of certification as a Level "C" operator for a minimum of one year.
- 2—b. The operator must be of good character.

C—3. A Level "C" operator shall have the following qualifications for regular certification:

- 1—a. ~~e~~Experience Requirements: The operator must have:
  - a—i. have a minimum of one year of ~~appropriate and responsible~~ experience as described in LAC 46:XXIII.913.D in the field of solid waste management; or
  - b—ii. have a minimum of one year of experience in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to ensure proper operation of a solid waste processing or disposal facility; or
  - c—iii. have either an engineering degree or a degree from an accredited college or university in a four year program related to soils management and equipment operation and maintenance.
- 2—b. The operator must be of good character.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3153 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:593 (August 1984), LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§916. Regular Certification**

- A. An applicant shall request consideration for certification upon the completion of the following requirements:
1. meet appropriate qualification requirements in LAC 46:XXIII.915;
  2. submit an application to the board on a board-prescribed application form, which may be obtained from the Office of Environmental Services, Permits Division or from the department's website; internet at [www.deq.state.la.us/misc/topics.stm](http://www.deq.state.la.us/misc/topics.stm), listed alphabetically under the letter "S";
  3. receive board approval for certification and examination;
  4. achieve a passing score on the examination for the appropriate level of operation; and
  5. pay all fees associated with certification.
- B. Regular certification shall allow an operator to operate any facility of the type for which the certificate is issued.
- C. Regular certificates are issued for a four-year period.
- D. Recertification shall be in accordance with LAC 46:XXIII.923.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154, 3159, and 3160.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:\*\*.

#### **§917. ~~Regular; Conditional Certification~~**

- A. ~~Certification shall be either regular or conditional. A regular certificate shall allow an operator to operate any facility of the type for which the certificate is issued. A conditional certificate shall allow an operator to operate only the facility at which he is employed at the time of certification.~~
- B. ~~All certificates shall be regular unless:~~ Conditional certification requirements are as follows.
1. ~~¶The applicant must requests a conditional certification and makes application as specified in LAC 46:XXIII.923; and.~~
  2. ~~¶The board must determines that based on the applicant's training, education, experience, and examination results, the applicant is qualified to perform duties at a particular facility, but not at every facility of that type.~~
  3. The applicant must pass the operator examination and attend one board-approved training class (minimum of 10 hours) within six months.
- C. ~~The board may upgrade a conditional certification after receipt of an application therefor upon and upon its determination that, based on the applicant's training, education, experience, and examination results (if a new examination is deemed necessary), the applicant is qualified for regular certification.~~
- D. ~~Conditional certificates shall be recertified in the same manner as regular certificates if the continuing training requirements are met.~~
- D.E. Any person appointed to replace or succeed a regularly certified operator after August 29, 1983, may be issued a conditional certificate upon application to the board and payment of the same fees as specified for regular certificates. Application for certification must be made within one year of replacement or succession and must specify

~~the need for conditional certification. The term of such a conditional certificate shall not exceed one year six months. Within one year of the date of~~ After receipt of such a conditional certificate, the ~~person~~applicant must ~~take and~~ pass the operator examination ~~within six months for a regular certificate and attend 10 hours of board-approved training.~~ If the examination is passed, the ~~person~~applicant may be issued an additional conditional certificate, prior to meeting other requirements for a regular certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§919. Operator Examinations**

A. An applicant for certification must pass an operator examination as provided in this Section ~~except as provided by 46:XXIII.921-A.~~

B. ...

C. The board shall provide appropriate written examinations for each operator level of ~~classified facilities~~SWMFs.

D. ...

E. ~~Notice shall be published at least 45 days before the examination in the official state journal and in such other publications determined necessary by the board to fully publicize the examination. All notices shall, at a minimum, include the time, date, and location of the examination, the examination fee, the classes of operators for which examinations will be offered, and other information relevant to the examination process. Notice of the examination shall be published prior to the examination in a method and fashion provided by the board.~~

F. ...

G. All examinations will be graded on a pass/fail basis. ~~Applicants who fail the examination may not retake the examination for a minimum of three months following the failed examination.~~

H. Payment of the examination fee must be submitted before ~~the new~~ an examination may be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3153 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:593 (August 1984), LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§921. Certification of Present Practitioners**

Repealed.

~~A. All operators employed in responsible charge of a classified waste management facility on August 29, 1983, or on the date the facility is classified, whichever is later, shall be granted a certificate by the board as follows:~~

~~1. application for certification is to be made to the board on a department prescribed form within one year of the classification of the system or facility; and~~

~~2. the applicant attends the operator training provided by the board within six months of submission of the application, and takes the examination conducted by the board within six months of submission of the application. A passing score shall not be necessary for the applicant to receive a regular certificate; or~~

~~3. the applicant does not attend the training provided, but does take and pass the examination for certification within six months of submission of the application.~~

~~B. Any applicant not qualifying for a regular certificate but qualifying for certification under LAC 46:XXIII.921.A.2 shall be granted a conditional certification which is valid only for the system or facility in which the operator is employed, for the conditions of operation existing on August 29, 1983, or for the classification of the facility.~~

~~C. Applicants must submit a statement of qualifications to the board and must be determined by the board to meet the standards established by the board before being admitted to the examination process. All information regarding an applicant's qualifications shall be provided at least 45 days prior to the date on which the applicant wishes to be tested. This information is to be provided on a department prescribed application form. The qualifications for each level of operator authorized by these rules are as set forth in LAC 46:XXIII.915.~~

~~D. The board shall obtain from the applicant all necessary documentation needed to assure the board that the established standards have been met. These documents shall be maintained as permanent records.~~

~~E. No applicant shall be granted certification unless he or she obtains a passing score on the examination as established by the board, except as provided by LAC 46:XXIII.921.B.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:\*\*.

**§923. Recertification**

A. Regular certificates shall be valid for four years after issuance. An operator may be recertified upon recommendation by the board for a new four-year period after timely submission of satisfactory evidence that the operator has met the

~~continuing~~ training requirements as specified by LAC 46:XXIII.1103.~~EC~~. Upon ~~recertification receipt of such evidence~~, the board shall issue a new certificate.

B. Application for recertification shall be submitted to the board on a ~~department~~board-prescribed form ~~to the board~~ no sooner than six months prior to the expiration of the certification and no later than three months after expiration of the certification. The form may be obtained from the Office of Environmental Services, Permits Division or from the department's website, internet at [www.deq.state.la.us/misc/topics.stm](http://www.deq.state.la.us/misc/topics.stm), listed alphabetically under the letter "S." The application shall contain the following documentation:

1. - 2. ...

C. Any operator whose certificate has expired for more than three months shall be treated as a new ~~practitioner~~applicant. Such a person must reapply for certification, take an examination, and otherwise meet the requirements for new ~~practitioners~~applicants.

D. Persons whose certificates have expired, but ~~that~~who make application no later than three months after the expiration date of the certificate, can be considered by the board for recertification; however, they will be required to pay the late recertification fee as provided in LAC 46:XXIII.1305.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3160, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

## Chapter 11. Operator Training for Certification

### §1101. Initial Training

~~A. The board shall offer or establish for persons required to obtain a certification the appropriate training in all aspects of knowledge required to qualify for level certification for all classified facilities. The first presentations of such training shall be for the members of the board and state employees engaged in the regulation of solid waste facilities.~~

~~AB. This training for all operators shall be provided at reasonable intervals. Initial training may be modified or supplemented as needed at the discretion of the board. The content, frequency, and location of operator training shall be at the discretion of the board. Training may be modified or supplemented as needed at the discretion of the board.~~

~~C. The board shall make training available in a like manner for all operators who are required to obtain certification due to future classification or reclassification of a facility by the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3157 and R.S. 37:3154.



HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*

### **§1103. Continuing Training Responsibilities**

A. The board shall:

1. ~~determine~~ approve ~~the continuing education training which is currently available to Louisiana operators, which may include short courses, workshops, etc., that meets the standards of the board;~~

2. ~~define which short courses or training meet the continuing training standards of the board;~~

3. ~~determine whether the continuing~~ its training requirements can be reasonably ~~met~~ satisfied by the operators based on current educational offerings; and

4. ~~upon request by a certified operator, provide a list of the available training which that meets the requirements of these rules~~ regulations upon request.

~~B. The procedures outlined in LAC 46:XXIII.1103.B shall be reviewed and updated as needed.~~

C. In the event that the board determines that adequate ~~continuing~~ training is not reasonably available to the operators, ~~they~~ it shall either:

1. ~~promote, provide,~~ or otherwise cause adequate ~~continuing~~ training to be available; or

2. waive the ~~continuing~~ training requirements in whole or in part.

D. Operator Responsibilities

1. In order to retain certification, operators must receive the number of ~~contract~~ contact training hours as set forth below during the four years after receiving certification or recertification.

a. ~~Class A.1 and Class A.3 (Level "A" and "B")~~ operators shall receive no fewer than 40 ~~contract~~ contact training hours.

b. ~~Class A.1 (Level "C"), Class B, and Class C~~ operators shall receive no fewer than 30 ~~contract~~ contact training hours.

c. ~~Class A.2~~ Level "A" surface impoundment operators shall receive no fewer than 20 ~~contract~~ contact training hours.

2. The operator is responsible for determining whether ~~the~~ a specific training ~~course has been~~ is approved by the board. ~~This determination may be made by either of two ways:~~

a. ~~the specific training is contained on a list of approved training as published by the board; or~~

b. ~~approval is granted by the board. Application for~~ To obtain approval of specific training not listed by the board, the applicant may be submitted to the board in writing. Such submission shall contain a complete course outline, the date and the place of offering, and the name of the offering agency entity to the board for consideration.

3. The operator is responsible for obtaining and submitting, in a timely manner, to the board, in accordance with LAC 46:XXIII.923, adequate evidence

of attendance. Such evidence may include, but is not limited to, educational certificates, certification of attendance, travel vouchers, etc. Such evidence should be submitted as soon as possible after attending a course, with copies retained in the operator's files. All such submissions shall include the operator's certificate number on all documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3157, R.S. 37:3158 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

## **Chapter 13. Fees**

### **§1303. Method of Payment**

A. Fee payment shall be by check, draft, or money order made payable to the Board of Certification and Training, ~~at the following address:~~

~~Board of Certification and Training  
P.O. Box 82178  
Baton Rouge, Louisiana 70884-2178~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§1307. Training Fees**

Repealed.

~~A. The board shall charge a fee to all persons participating in training conducted by the board pursuant to these rules sufficient to cover the costs of such training. No person shall be allowed to attend training until all training fees have been paid in full. Fees for any board approved training not provided by the board shall be established by and paid to the individual, agency, institution, or corporation providing such training.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:\*\*.

## **Chapter 15. Revocation, Modification, and Suspension of Certificates**

**§1501. Revocation, Modification, and Suspension of Certificates**

A. The board may revoke, ~~or~~ modify, or suspend an operator's certificate if it determines that the operator has practiced fraud or deception in obtaining certification or in operating thereunder, or has been significantly negligent in applying reasonable care, judgment, knowledge, or ability in the performance of his duties, or has become incompetent or unable to perform his duties in a proper manner.

**B. Written Notice**

1. When the board determines that an operator's certification should be suspended, modified, or revoked, the board shall notify that operator by certified mail. Such written notice shall contain the following:

a. facts that will justify a suspension, modification, or revocation of certification;

b. a description of the general nature of the evidence supporting the suspension, modification, or revocation; and

c. a recommendation that the operator's certification be suspended, modified, or revoked, unless the operator, within 30 days after receipt of the notice, submits a request for a hearing before the board. The request for hearing shall be submitted to the Board of Certification and Training. A written statement providing the operator's view of the circumstances shall accompany the request for hearing.

2. If the operator does not mail a request for hearing and a statement of the circumstances within the time frame specified, the board shall recommend suspension for a specified period of time, modification, or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

**§1503. Immediate Suspension****Repealed.**

A. ~~The board may immediately suspend, upon receipt of evidence of probable cause sufficient for revocation of certification, an operator's certificate if such action is deemed necessary to protect the public health or the environment. Any operator whose certificate is so suspended shall be granted a hearing before the board within 30 days of such suspension in accordance with LAC 46:XXIII.1505 and 1507.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:\*\*.

**§1505. Hearings**

A. ~~Revocation, modification, or suspension hearings are to be conducted expeditiously and with less formality than that required in adjudications by the Administrative Procedure Act, R.S. 49:151 et seq. and in accordance with R.S. 49:961. A hearing before the board on suspension, modification, or revocation shall proceed as follows.~~

1. At least 20 days prior to a hearing, the board shall provide the operator with a notice of the hearing. The notice shall be sent by certified mail and include the time, date, and location of the hearing.

2. The hearing shall be conducted summarily without observing all of the formalities associated with an adjudicatory hearing as defined in the Administrative Procedure Act, R.S. 49:951 et seq.

3. Within 90 days after conducting a hearing, the board shall forward its decision to the operator.

4. Upon receiving notice of suspension, modification, or revocation, an operator shall notify the owner/operator of the SWMF within 24 hours.

5. Judicial appeal from the board's decision may be taken in accordance with the Administrative Procedure Act, R.S. 49:951 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:\*\*.

### **§1507. Rule to Show Cause**

Repealed.

~~A. Upon determination that grounds exist for revocation or modification under LAC 46:XXIII.1501, or the suspension of a certification under LAC 46:XXIII.1503, the board may, by rule, compel any person to show cause why his certification should not be suspended, revoked, or modified, either in whole or in part. The rule to show cause shall specifically advise respondent of the facts on which the proposed action is based and of the time and place of the hearing to be conducted on the rule. The person served with the rule shall be given an opportunity at that hearing to show compliance, that he has not practiced fraud or deception in obtaining certification or in operating thereunder, has not been significantly negligent in applying reasonable care, judgment, knowledge, or ability in the performance of his duties, or has not become incompetent or unable to perform his duties in a proper manner, and may file an answer or response to the rule, prior to the hearing. Judicial appeal from the board's decision may be taken pursuant to the Administrative Procedure Act, R.S. 49:951 et seq.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of

Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:\*\*.

**§1509. Record of Hearing**

A. Record. The record of proceedings conducted under this ~~Part~~Chapter shall consist of the following:

1. the certificate;
2. the notice of the hearing;
3. all documentary evidence and written comments received;
4. written recommendations received;
5. the decision; and
6. the transcript ~~if transcribed, or a resume or summary~~ of the

proceedings.

B. Transcript. ~~Any~~ hearings conducted under this ~~Section~~Chapter shall be recorded, and a copy of the ~~tape transcript~~transcript made available to the public. ~~A verbatim transcript shall not be accomplished unless ordered by the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:\*\* .